



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, AUGUST 18, 2022**

The regular meeting of the Benbrook City Council was held on August 18, 2022 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jason Ward, Mayor
Renee Franklin
Larry Marshall
Dustin Phillips
Gary Addison
Laura Mackey
Keith Tiner

Also Present:

Andy Wayman, City Manager
Jim Hinderaker, Assistant City Manager
Joanna King, City Secretary
Beth Fischer, Deputy City Secretary
Rick Overgaard, Finance Director
Bennett Howell, Public Services Director

Others:

Pastor Seth Wiginton
Phyllis Harkins
Bill Smith
Josh Harville
Karen Bontrager

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Ward

II. INVOCATION/PLEDGE OF ALEGIANCE

Invocation was given by Pastor Seth Wiginton with Restoration Family Church
The Pledge of Allegiance was recited.

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Approve minutes of the regular meeting held August 4, 2022

Motion by Dr. Marshall, seconded by Mr. Phillips to approve the minutes of the regular meeting held August 4, 2022

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Mr. Tiner

Noes: None

Abstain: Ms. Mackey

Motion carried 5-0-1.

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2571 Approve finance report for period ending July 31, 2022

Rick Overgaard gave the following report: General Fund revenues for the month of July were \$765,089. Major revenues collected for the month include Property taxes of \$132,593, Franchise taxes of \$9,145, Permits of \$24,456, Fines and Forfeitures of \$33,000, Other Agencies of \$33,500, and Charges for Services of \$99,446. Sales tax collected and recognized as revenue in July was \$412,553. Fiscal year to date sales tax is \$3,195,567, an increase of 13.8% over last year at this time. General Fund revenues collected through the end of July were \$20,681,272 and 96.9% of the budget.

General Fund expenditures for the month of July were \$1,375,264. The increase in expenditures compared to the prior year is due to the street overlay project. Fiscal year to date expenditures were \$15,918,384 and 74.6% of the adopted budget.

Total General Fund revenues of \$20,681,272 were more than total General Fund expenditures of \$15,918,384 by \$4,762,888.

Debt Service revenues for the month of July totaled \$8,356 and were all from property tax. July expenditures were \$530,839 for debt service payments due August 1, 2022. The next debt service payments are due February 1, 2023.

EDC revenues through July were \$1,686,562. EDC expenditures through the end of July were \$781,882. Total revenues exceeded total expenditures by \$904,680.

Total revenues received through July were \$3,295,586 from stormwater utility fees, mineral lease revenue, TIF income, and interest earnings. Total

expenditures for the Capital Projects Fund were \$2,654,000 through the end of July. July expenditures included the following projects: Vista Way Two-Way Conversion and the Floodplain Study. Total revenues exceeded total expenditures by \$641,586. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On July 31, 2022, the City had \$47,538,693 invested at varying interest rates; the EDC had \$6,063,718 available.

Motion by Mr. Addison, seconded by Mr. Tiner to accept the finance report for the period ending July 31, 2022.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously.

G-2572 Adopt Resolution approving the negotiated settlement between the Atmos Cities Steering Committed and Atmos Energy Corp., Mid-Tex Division regarding the 2022 Rate Review Mechanism filing

Rick Overgaard gave the following report: The City of Benbrook is a member of the Atmos Cities Steering Committee (ACSC).

The Rate Review Mechanism (RRM) tariff was adopted by the ACSC in 2007 as an alternative to the Gas Reliability Infrastructure Program (GRIP), the statutory provision that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments.

Since 2007, the original RRM tariff has been modified many times.

In April 2022, Atmos filed a request for \$141.3 million in additional revenues on a system-wide basis. Following negotiations, the ACSC's Executive Committee agreed to recommend a rate increase of \$115.00 million.

The monthly impact for a typical residential customer is \$4.60 or 6.7%. For a residential rate at 43.8 Ccf (not including sales tax) the current rate of \$68.62 will increase to \$73.22.

For a typical commercial customer the monthly impact is \$14.34 or 4.3%. A commercial rate at 345.7 Ccf (not including sales tax) will increase from the current rate of \$334.29 to \$348.63.

The effective date of the RRM is October 1, 2022. The ACSC Executive Committee recommends that member cities approve the resolution before September 30, 2022.

Motion by Ms. Franklin, seconded by Mr. Tiner to adopt Resolution No. 2022-06 approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2022 rate review mechanism filing.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously.

Resolution 2022-06 being **"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND TH ACSC'S LEGAL COUNSEL.**

G-2573 Authorize Interlocal Agreement with Benbrook Water Authority for Residential Refuse and Storm Water Utility Fee Billing and Payment Collection

Bennett Howell gave the following report: Through an Interlocal Agreement (ILA), the City of Benbrook contracts with the Benbrook Water Authority (BWA) to bill and collect residential refuse and storm water utility accounts. Because the BWA already bills these customers for water and sewer service, an economy of scale is created that benefits the City, the Authority, and ultimately the citizens of Benbrook.

The proposed ILA establishes a reimbursement to the BWA of 49.58 cents per bill. This amount is identical to last year.

In addition, the City is assessed its proportionate share of the credit card processing fee for residents paying with credit cards. BWA processes credit card payments through a merchant services provider. The provider charges a percentage (normally between 1.5% and 3%) on each transaction based on the type of card and transaction.

The term of the proposed ILA is one year, beginning October 1, 2022 and ending September 30, 2023.

Motion by Dr. Marshall, seconded by Ms. Mackey to authorize the Interlocal Agreement with the Benbrook Water Authority for residential refuse and storm water utility fee billing and payment collection services.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously.

**G-2574 Authorize Interlocal Agreement with Benbrook Water Authority
for Street Cut Repair Services**

Bennett Howell gave the following report: When the Benbrook Water Authority (BWA) has a water or sewer line failure under a street, workers must cut open the street and excavate to repair the line. After the crew repairs the line, the BWA is responsible for restoring the damaged street. These street repairs are commonly referred to as “street cuts”. In lieu of the BWA contracting for this service, the City of Benbrook has repaired street cuts on asphalt streets for the BWA through an Interlocal Agreement (ILA) since 2000.

The proposed ILA renews our longstanding agreement with the BWA allowing the City of Benbrook to complete street cuts for the BWA. The repair cost is \$8.91/square foot, which is identical to last year. The term of the proposed ILA is one year, beginning October 1, 2022 and ending September 30, 2023.

Motion by Mr. Phillips, seconded by Ms. Franklin to authorize the Interlocal Agreement with the Benbrook Water Authority for street cut repair services on asphalt streets.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously.

G-2575 Authorize Cooperative Purchasing Agreement between City of Benbrook and Benbrook Water Authority

Bennett Howell gave the following report: The proposed Interlocal Cooperation Purchasing Agreement is between the City of Benbrook and the Benbrook Water Authority (BWA).

Chapter 791 of the Texas Government Code and Subchapter F of Chapter 271 of the Texas Local Government Code authorizes a local government to participate in Cooperative Purchasing Programs with other local governments. A local government that purchases goods and services pursuant to a Cooperative Purchasing Program satisfies the requirement of State Law for competitive bidding. This Agreement allows each party to purchase goods and services under Subchapter F, Chapter 271 of the Texas Local Government Code. In the near term, the BWA desires to utilize the City's low bid contractor for concrete repair services.

This Agreement is for a period of one (1) year. Thereafter, the Agreement will automatically renew until terminated by either party.

Motion by Mr. Tiner, seconded by Mr. Addison to approve the Interlocal Cooperation Purchasing Agreement with the Benbrook Water Authority.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

VII. COUNCIL MEMBER AND STAFF COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 7:48 p.m.

APPROVED:

Jason Ward, Mayor

ATTEST:

Joanna King, City Secretary